IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL REVISION APPLICATION NO.275 OF 2006

Kiran Sanghvi ...Applicant

Vs.

M/s.Speciality Chemical & Anr. ...Respondents

Shri R.D.Soni i/by M/s.Ram & Co. for the Applicant.
Shri A.S.Shitole, A.P.P. for the State.
Shri Ramesh S. Pandey for the Respondent No.2.

CORAM : A. S. OKA, J.
DATE : SEPTEMBER 11, 2006.

P.C.:

1. Rule. The Advocate for the first Respondent waives service. The learned A.P.P. waives service for the second Respondent. Taken up for hearing forthwith.

2. The Applicant has been convicted by the Trial Court of offence punishable under section 138 of the Negotiable Instruments Act, 1881. The Revision against order of conviction preferred by the Applicant has been dismissed by the Sessions Court.

3. The Applicant and the first Respondent have tendered consent terms on record. The consent terms are marked as "X" for identification. The first Respondent has filed an affidavit stating that there is a complete settlement between the parties and the first

Respondent has agreed to compound the offence under section 138 of the said Act of 1881. The consent terms also record complete settlement between the parties. Offence under section 138 of the said Act of 1881 has been made compoundable under section 147 of the said Act of 1881. The learned Advocate appearing for the first Respondent has confirmed that the first Respondent has agreed to compound the offence. Hence, the conviction and sentence of the Applicant will have to be quashed and set aside.

4. Accordingly, I pass the following order:

(i) The order of conviction and sentence in case No.CC46/S/98 is quashed and set aside and the Applicant is acquitted of offence punishable under section 138 of the Negotiable Instruments Act, 1881.

(ii) Rule is accordingly made absolute.

(iii) Parties to act upon an authenticated copy of this order.

JUDGE